

## Article - Estates and Trusts

[\[Previous\]](#)[\[Next\]](#)

§13–214.

(a) A guardian may distribute or disburse property without court authorization or confirmation in accordance with this section.

(b) (1) A guardian of a minor may pay or apply income and principal from the estate as needed for the clothing, support, care, protection, welfare, and education of the minor.

(2) (i) A guardian of a disabled person may pay or apply income and principal from the estate as needed for the clothing, support, care, protection, welfare, and rehabilitation of the disabled person.

(ii) The guardian shall give consideration to the support and care of the disabled person during the probable period of the estate and the needs of persons dependent upon the disabled person.

(3) Income and principal also may be paid or applied for the benefit of persons legally dependent upon the minor or disabled person and, with the approval of the court, for the benefit of other persons maintained and supported in whole or in part by the disabled person prior to the appointment of a guardian.

(c) If a minor or disabled person is “disabled” as defined under 42 U.S.C. § 1382c(a)(3), a guardian of the minor or disabled person may pay or apply income or principal from the estate to establish or fund, for the benefit of the minor or disabled person:

(1) A special needs trust, provided that the trustee is subject to the jurisdiction of a court, bonded, and required to file annual accountings of the trust;

(2) A pooled asset special needs trust account, provided that the trust has been approved by the attorney general of the state where the minor or disabled person resides; or

(3) An ABLE account.

(d) (1) (i) When a minor attains the age of majority, the guardian of the minor, after meeting all prior claims and expenses of administration, shall distribute the estate to the former minor as soon as possible, unless the minor is then disabled.

(ii) The distribution normally shall be in kind.

(2) (i) If the guardian is satisfied that the disability of the disabled person has ceased or if the court has found in a proceeding under § 13–221 of this subtitle that the disability has ceased, the guardian, after meeting all prior claims and expenses of administration, shall distribute the estate to the former disabled person as soon as possible.

(ii) The distribution normally shall be in kind.

(3) When a minor or disabled person dies, the guardian shall deliver to the appropriate probate court for safekeeping any will of the deceased person in the guardian's possession, pay from the estate all commissions, fees, and expenses shown on the court-approved final guardianship account, inform the personal representative or a beneficiary named in it that the guardian has done so, and retain the balance of the estate for delivery to an appointed personal representative of the decedent or other person entitled to it.

(4) If a guardianship is terminated for reasons other than the attainment of majority, cessation of disability, or death of the protected person, the guardian shall distribute the estate in accordance with the order of the court terminating the guardianship.

[\[Previous\]](#)[\[Next\]](#)